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DE RUEHGO #0401 1800653  
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FM AMEMBASSY RANGOON  
TO RUEHC/SECSTATE WASHDC PRIORITY 9180  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 2101  
RUEHNE/AMEMBASSY NEW DELHI 5575  
RUEHUL/AMEMBASSY SEOUL 9171  
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RUEHGV/USMISSION GENEVA 4558  
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RUCNDT/USMISSION USUN NEW YORK 2552  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC

UNCLAS RANGOON 000401

SENSITIVE  
SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

E.O. 12958: N/A

TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: SUPREME COURT REJECTS ASSK APPEAL TO ADMIT  
WITNESSES

REF: RANGOON 393 AND PREVIOUS

1. (SBU) On June 29, the Burma Supreme Court rejected an appeal by the lawyers for Aung San Suu Kyi (ASSK) to reinstate two defense witnesses. The high court's ruling upholds the decisions by the trial court and Rangoon Divisional (appeals) Court to exclude National League for Democracy (NLD) Central Executive Committee member Win Tin and detained NLD Vice Chair U Tin Oo. The defense had called the two as character witnesses for ASSK, according to ASSK lawyer and NLD spokesman Nyan Win. The regime mouthpiece New Light of Myanmar newspaper reported that prosecutors argued the two men are not legitimate character witnesses because they would only testify about ASSK's politics.

2. (SBU) Nyan Win told us he and fellow ASSK attorney U Kyi Win (aka Neville) are disappointed by the decision. Nyan Win noted that there are no further avenues for appeal under Burmese law.

3. (SBU) The trial court in the ASSK/Yettaw case is scheduled to meet again on July 3. Nyan Win told us he expects that defense witness Daw Khin Mot Mot will testify at that session, although he did not say how long he expects her to be on the stand. (Note: Daw Khin Mot Mot, a lawyer, reportedly will offer testimony refuting the legality of the charges against ASSK. She was initially excluded by the trial court, but later reinstated on appeal by the Rangoon Division Court). Daw Khin Mot Mot is the last witness scheduled to testify in the case.

DINGER